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JUN 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Masahiro Shioji	:	CORRECTED
Application No. 09/873,413	:	LETTER REGARDING
Filed: June 5, 2001	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 010728	:	

This letter is in response to the "LETTER TO THE EXAMINER REGARDING PATENT TERM ADJUSTMENT" filed February 28, 2007. Pursuant to applicant's duty of good faith and candor to the Office, applicant discloses that the initial determination of patent term adjustment mailed with the Notice of Allowance may be longer than appropriate.

This decision is written to correct the decision of June 14, 2007. Therein, the review of the determination did not consider that the reply was received on November 22, 2004, not October 22, 2004.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is seven hundred forty-nine (749) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 18, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term

adjustment to date is 777 days. Applicant discloses that the Office delay in taking action on May 5, 2005 to their non-final Office action filed November 22, 2004 should be calculated as 44 days, instead of 72 days. Applicant asserts that in calculating Office delay, the Office erred in using the date of October 22, 2004 for the date of receipt of their non-final Office action.

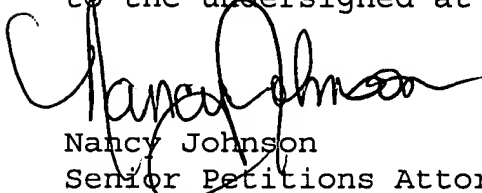
The application history has been reviewed and it has been decided that the determination of patent term adjustment is correct. Applicants are correct. The Office used the October 22, 2004 date in calculating Office delay. Using the correct date of November 22, 2004, pursuant to 37 CFR 1.702(a)(2) and 1.703(a)(2), the period of delay for the Office taking more than four months to respond to a reply under 35 U.S.C. 132 is 44 days, counting the number of days in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed, March 23, 2005 and ending on the date of mailing of either an action under 35 U.S.C. 132, May 5, 2005.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is seven hundred forty-nine (749) days.

As this letter was submitted as an attempt to advise the Office of an error in Applicant's favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicant for their good faith and candor in bringing this to the attention of the Office.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Publication for issuance of the application.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Updated PALM Screen

Day : Monday
Date: 6/25/2007

PALM INTRANET

Time: 08:39:58

PTA Calculations for Application: 09/873413

Application Filing Date:	06/05/2001	PTO Delay (PTO):	824
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	47
Post-Issue Petitions:	0	Total PTA (days):	749
PTO Delay Adjustment:	-28		

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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